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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 MATTHEW B. CRAMER,  
12 Plaintiff,  
13 v.  
14 EMPLOYMENT DEVELOPMENT  
15 DEPARTMENT, et al.,  
16 Defendants.

No. 1:23-cv-01361-JLT-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DENYING  
PLAINTIFF'S MOTION FOR LEAVE TO  
PROCEED *IN FORMA PAUPERIS*, AND  
DIRECTING PLAINTIFF TO PAY THE  
FILING FEE

(Docs. 2, 7)

17 Plaintiff Matthew B. Cramer ("Plaintiff") is a state prisoner proceeding *pro se* in this civil  
18 rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on September 15, 2023,  
19 together with an application to proceed *in forma pauperis*. (Docs. 1, 2.)

20 On September 25, 2023, the assigned magistrate judge issued findings and  
21 recommendations that recommended Plaintiff's motion to proceed *in forma pauperis* be denied  
22 because he was subject to the three-strikes bar imposed by 28 U.S.C. § 1915(g) and that Plaintiff  
23 be ordered to pay the \$402.00 initial filing in full to proceed with this action. (Doc. 7.) The  
24 assigned magistrate judge also determined that the allegations in the complaint do not satisfy the  
25 imminent danger exception to § 1915(g). (*Id.* at 2.) The Court served the findings and  
26 recommendations on Plaintiff and also notified him that any objections thereto were to be filed  
27 within fourteen (14) days after service. (*Id.*) No objections have been filed, and the time in  
28 which to do so has passed.

1 According to 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a *de novo* review of the  
2 case. Having carefully reviewed the entire file, the Court finds that the findings and  
3 recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 4 1. The findings and recommendations issued on September 25, 2023 (Doc. 7) are  
5 **ADOPTED IN FULL.**
- 6 2. Plaintiff's motion to proceed *in forma pauperis* is **DENIED.**
- 7 3. Plaintiff **SHALL** pay the \$402.00 filing fee within 21 days of service of this order.
- 8 4. Plaintiff is advised that failure to pay the required filing fee as ordered will result  
9 in the dismissal of this action without prejudice without further notice.

10 IT IS SO ORDERED.

11 Dated: **October 19, 2023**

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13 UNITED STATES DISTRICT JUDGE